



COUNTY OF SAN LUIS OBISPO  
DEPARTMENT OF PLANNING AND BUILDING  
STAFF REPORT

PLANNING DEPARTMENT HEARING

Promoting the wise use of land  
Helping build great communities

MEETING DATE November 18, 2005	CONTACT/PHONE Holly Phipps 781-1162	APPLICANT Scott Smith and Jessica Smith	FILE NO. COAL 04-050 SUB2004-00167
SUBJECT Request by Scott and Jessica Smith for a Lot Line Adjustment to adjust the lot lines between two parcels of 3,755 square feet each. The adjustment will result in two parcels of 3,755 square feet each. The project will not result in the creation of any additional parcels. The proposed project is within the Residential Single Family land use category and is located on L Street approximately 50 feet Northeast of 15 <sup>th</sup> Street, Lots 19 and 20 in San Miguel. The site is in the Salinas River planning area.			
RECOMMENDED ACTION Approve Lot Line Adjustment COAL 04-050 based on the findings listed in Exhibit A and the conditions listed in Exhibit B			
ENVIRONMENTAL DETERMINATION A Class Five Categorical Exemption was issued on March 1, 2005.			
LAND USE CATEGORY Residential-Single Family	COMBINING DESIGNATION None	ASSESSOR PARCEL NUMBER 021-131-019	SUPERVISOR DISTRICT(S) 1
PLANNING AREA STANDARDS: Development Density			
EXISTING USES: Single Family Residence			
OTHER AGENCY / ADVISORY GROUP INVOLVEMENT: The project was referred to: Public Works, Environmental Health, Ag Commissioner, San Miguel Sanitary, San Miguel Fire, San Miguel Advisory, Community Liaison John Hand, and Parks Division.			
TOPOGRAPHY: Gently Sloping		VEGETATION: Ornamentals	
PROPOSED SERVICES: Water supply: Community water system Sewage Disposal: Community sewage disposal system Fire Protection: San Miguel Fire		ACCEPTANCE DATE: February 25, 2005	
SURROUNDING LAND USE CATEGORIES AND USES: North: Residential Single Family/Residences South: Residential Single Family/Residences		East: Office Professional/Residences West: Residential Single Family/Residences	
ADDITIONAL INFORMATION MAY BE OBTAINED BY CONTACTING THE DEPARTMENT OF PLANNING & BUILDING AT: COUNTY GOVERNMENT CENTER ♦ SAN LUIS OBISPO ♦ CALIFORNIA 93408 ♦ (805) 781-5600 ♦ FAX: (805) 781-1242			

**ORDINANCE COMPLIANCE:**

The applicant is proposing to adjust the lot lines between two legal parcels as follows:

EXISTING LOT SIZES	ADJUSTED PARCEL SIZES
3,755 square feet	3,755 square feet
3,755 square feet	3,755 square feet

Section 21.02.030 of the Real Property Division Ordinance states that a lot line adjustment shall not be approved or conditionally approved unless the new parcels resulting from the adjustment will maintain a position which is better than, or equal to, the existing situation relative to the county's zoning and building ordinances.

The adjustment will result in the reconfiguration of the two parcels to allow the parcels to better the potential residential use. There currently are two 3,755 square foot lots that are 25 feet wide and 150 feet deep. This current configuration makes it difficult to develop a single-family residence. The proposed lot configuration will create two parcels that are 50 feet wide by 75 feet deep. This configuration is better suited for residential single-family development.

**SB 497**

As of January 1, 2002, lot line adjustments are limited to four or fewer existing adjoining parcels. In addition, the new parcels must comply not only with zoning and building regulations, but also with the general plan and any applicable coastal plan. The County's local ordinance allows a determination to be made that the proposed situation is equal to or better than the existing situation. Because the parcel sizes are below minimum parcel size as set through the General Plan and will remain so after the adjustment, staff has concluded that the adjustment is consistent with both state and local law.

**AREA PLAN STANDARDS**

The Salinas River Area Plan requires a maximum development density of one dwelling per 3,750 square foot lot in this area of San Miguel. Both lots are currently 3,755 square feet and once adjusted, 3,755 square foot each. This lot line adjustment meets this Area Plan standard.

**LEGAL LOT STATUS:**

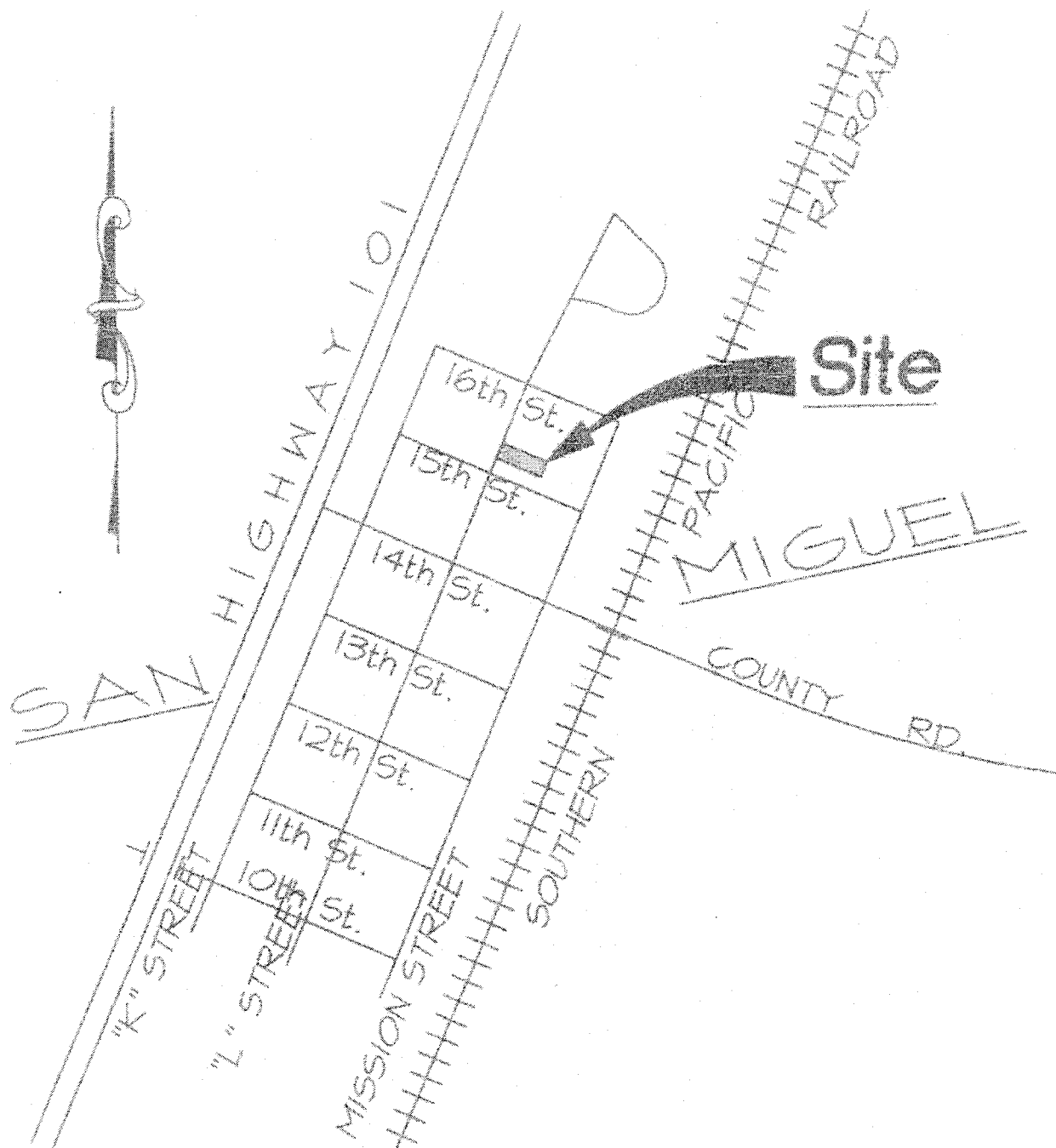
The number of existing lots were legally created a recorded map at a time when that was a legal method of creating lots.

**FINDINGS - EXHIBIT A**

- A. The proposed Lot Line Adjustment is consistent with the provisions of Section 21.02.030 of the Real Property Division Ordinance because the project conforms to the General Plan and zoning and building ordinances and the resulting parcels maintain a position which is equal to or better to the condition of the parcels prior to the approval of the lot line adjustment.
- B. The proposal will have no adverse effect on adjoining properties, roadways, public improvements, or utilities.
- C. Compliance with the attached conditions will bring the proposed adjustment into conformance with the Subdivision Map Act and Section 21.02.030 of the Real Property Division Ordinance.
- D. The project qualifies for a Categorical Exemption (Class Five) pursuant to CEQA Guidelines Section 15305 because the project is a lot line adjustment on land with a slope of less than 20 percent that will not result in changes in land use or density. This configuration is better suited for residential single-family development. The property is currently fenced off and does not have significant value for wildlife habitat. Therefore, it can be seen with certainty that there is no possibility that this project may have a significant effect on the environment.

**CONDITIONS - EXHIBIT B**

1. This adjustment may be effectuated by recordation of a parcel map or recordation of certificates of compliance. If a map is filed, it shall show:
  - a. All public utility easements.
  - b. All approved street names.
2. Any private easements described in the title report must be shown on the map, with recording data.
3. When the map is submitted for checking, or when the certificate of compliance is filed for review, provide a preliminary title report to the County Engineer or the Planning Director for review.
4. All conditions of approval herein specified are to be complied with prior to the recordation of the map or certificates of compliance which effectuate the adjustment. Recordation of a map is at the option of the applicant. However, if a map is not filed, recordation of a certificate of compliance is mandatory.
5. The map or certificates of compliance shall be filed with the County Recorder prior to transfer of the adjusted portions of the property or the conveyance of the new parcels.
6. In order to consummate the adjustment of the lot lines to the new configuration when there is multiple ownerships involved, it is required that the parties involved quitclaim their interest in one another new parcels. Any deeds of trust involving the parcels must also be adjusted by recording new trust deeds concurrently with the map or certificates of compliance.
7. If the lot line adjustment is finalized using certificates of compliance, prior to final approval the applicant shall prepay all current and delinquent real property taxes and assessments collected as real property taxes when due prior to final approval.
8. The lot line adjustment will expire two years (24 months) from the date of the approval, unless the map or certificates of compliance effectuating the adjustment is recorded first. Adjustments may be granted a single one year extension of time. The applicant must submit a written request with appropriate fees to the Planning Department prior to the expiration date.
9. All timeframes on completion of lot line adjustments are measured from the date the Review Authority approves the lot line adjustment map, not from any date of possible reconsideration action
10. All parcels shall be provided with legal access from a public road. Easements or offers of dedication with a minimum width of 20 feet shall be recorded for all parcels that currently do not have access. These shall be shown on a map (if a map is used to final the adjustment) or recorded with the certificates of compliance.
11. All present or proposed dwellings on all of the proposed lots shall be assigned an L Street address with signage directing emergency personnel to residence in rear.



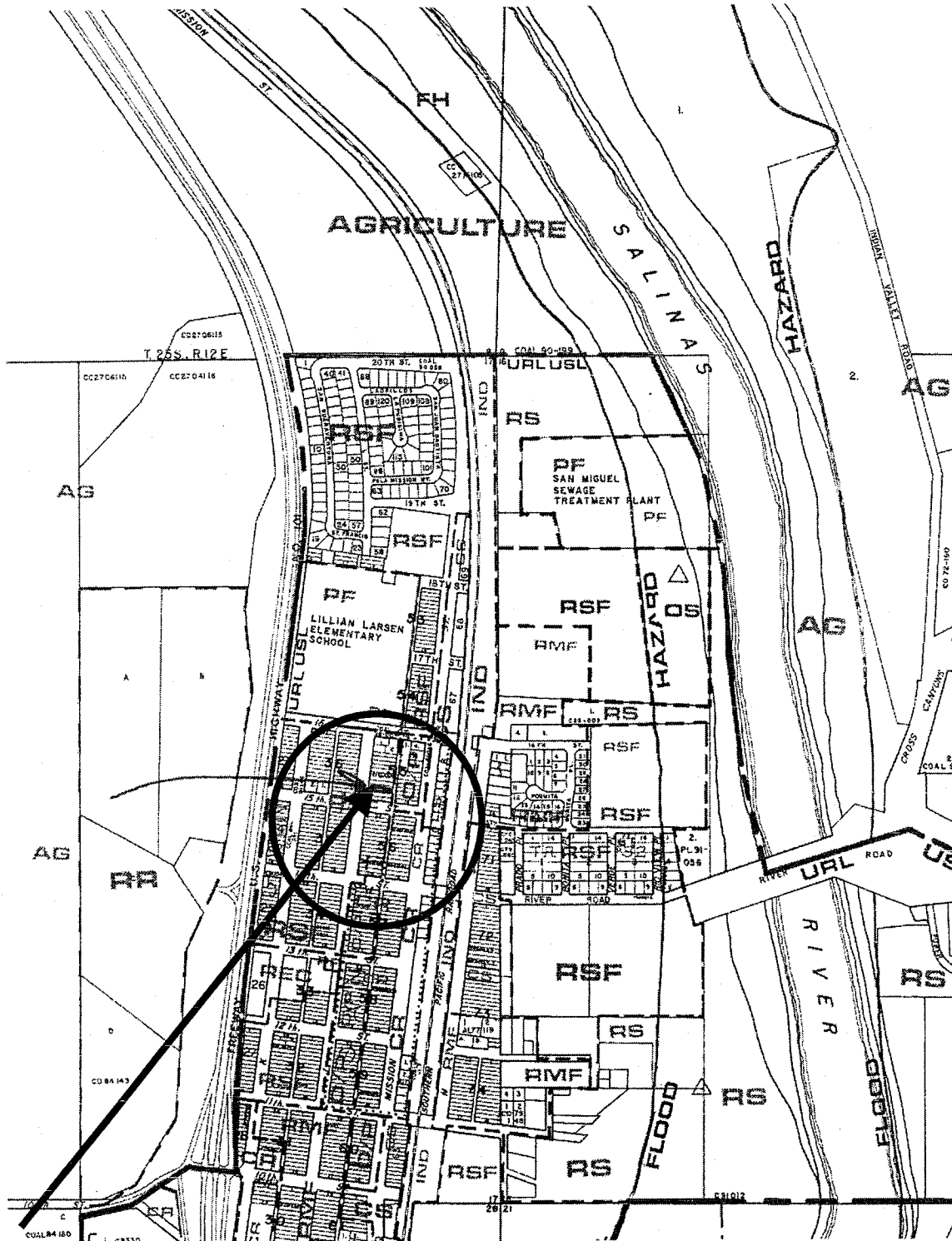
**PROJECT**

Lot Line Adjustment  
Smith SUB2004-00167



**EXHIBIT**

Vicinity



**SITE**

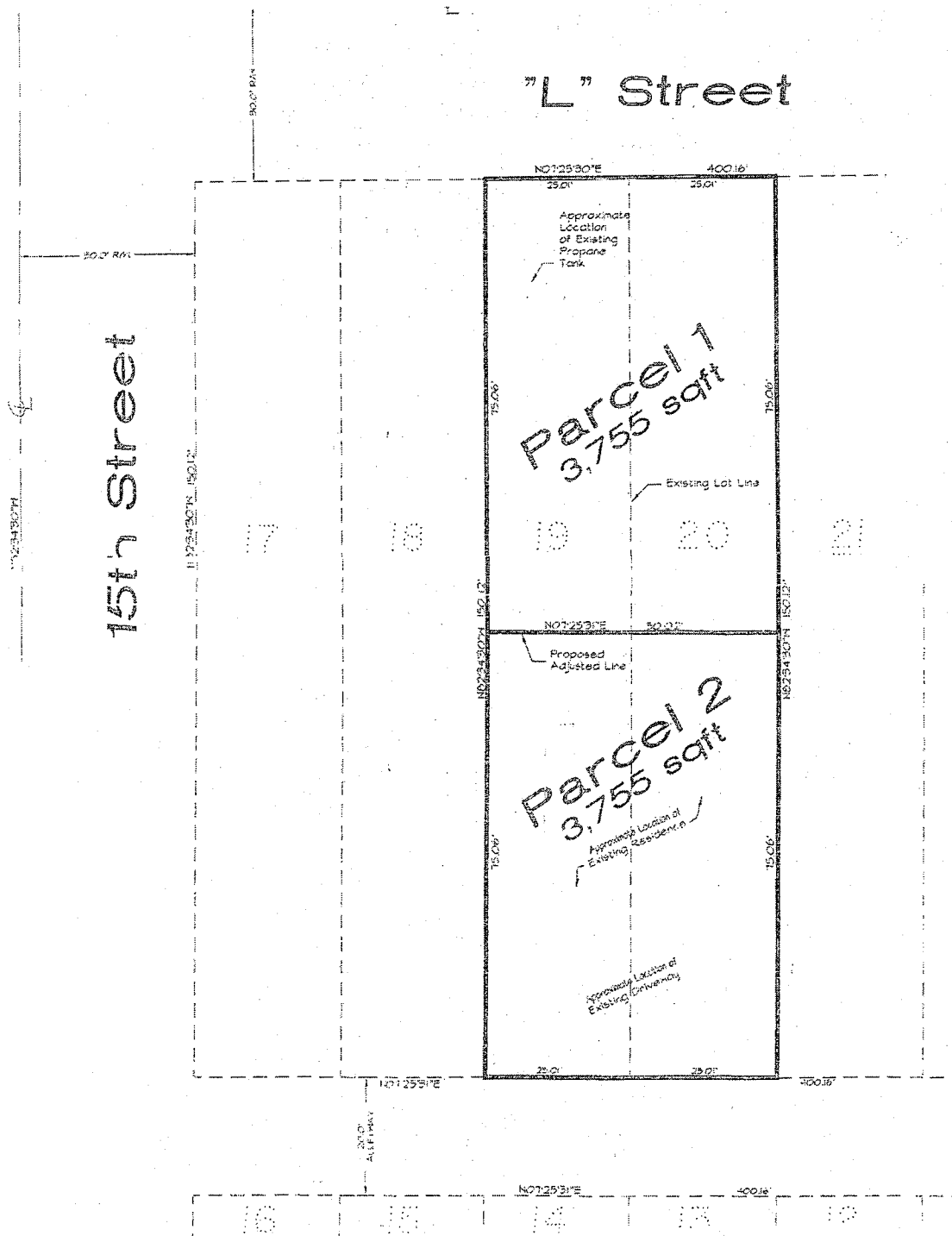
**PROJECT**

Lot Line Adjustment  
Smith SUB2004-00167



**EXHIBIT**

Land Use Category



PROJECT

Lot Line Adjustment  
Smith SUB2004-00167



EXHIBIT

Site Plan



9  
SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

2004 NOV 12 AM 10:27

RECEIVED

NOV 24 2004

VICTOR HOLANDA, AICP  
DIRECTOR

Planning & Bldg  
THIS IS A NEW PROJECT REFERRAL

DATE:

11/10/04 11/23/04

FROM:

Pams

SMITH

TO:

North Co. Team

SUB 2004-00167

(Please direct response to the above)

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION:

COAL 04-0501. LLA to  
adjust (2) 3,755 sq. ft. parcels. Located  
off "L" Street in San Miguel. East of  
Hwy. 101. APN: 021-131-019

Return this letter with your comments attached no later than:

11/25/04

PART I

IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES  
☐ NO

(Please go on to Part II)

(Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II

ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO  
☐ YES

(Please go on to Part III)

(Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III

INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

NO COMMENT

11/23/04  
Date

Tom Dileo  
Name

4089  
Phone

# GENERAL APPLICATION FORM

San Luis Obispo County Department of Planning and Building

File No

SUB2004-00167

## APPLICATION TYPE CHECK ALL THAT APPLY

- ☐ Public Lot ☐ Voluntary Merger ☐ Certificate of Compliance ☒ Lot Line Adjustment  
☐ Parcel Map ☐ Tract Map ☐ Receiving Site ☐ Condominium (new or conversion)  
☐ Road Abandonment ☐ Road Name ☐ Reversion to Acreage ☐ Sending Site

## APPLICANT INFORMATION Check box for contact person assigned to this project

☐ Landowner Name Scott & Jessica Smith Daytime Phone 805-239-3310  
Mailing Address PO Box 1779, Paso Robles CA Zip 93447  
Email Address: \_\_\_\_\_

☐ Applicant Name Scott & Jessica Smith Daytime Phone 805-239-3310  
Mailing Address PO Box 1779, Paso Robles CA Zip 93447  
Email Address: \_\_\_\_\_

☒ Agent Name Vaughan Surveys Inc. Daytime Phone 805-238-5725  
Mailing Address 1101 Riverside Avenue, Paso Robles Zip 93446  
Email Address: sarah@vaughansurveys.com

## PROPERTY INFORMATION

Total Size of Site: 7,510 sqft Assessor Parcel Number(s): 021-131-019

Legal Description: Lots 19 & 20 of block 55 per 53/PM/75

Address of the project (if known): \_\_\_\_\_

Directions to the site - describe first with name of road providing primary access to the site, then nearest roads, landmarks, etc.: Hwy 101 N exit San Miguel left on L st

Describe current uses, existing structures, and other improvements and vegetation on the property:  
Residential

## PROPOSED PROJECT

Describe the proposed project (inc. size of all proposed parcels): Lot line adjustment to two 3,755sqft  
parcels

## LEGAL DECLARATION

I, the owner of record of this property have completed this form accurately and declare that all statement here are true. I do hereby grant official representatives of the county authorization to inspect the subject property.

Property owner signature \_\_\_\_\_ Date \_\_\_\_\_

## FOR STAFF USE ONLY

Minimum Parcel Size: \_\_\_\_\_ ☐ sq. feet ☐ acres ☐ by PAS? ☐ by Ordinance?



EC

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

THIS IS A NEW PROJECT REFERRAL

DATE:

11/10/04

FROM

PW

SMITH

FROM  
TO

North Co. Team

SUB 2004-00167

(Please direct response to the above)

Project Name and Number

Development Review Section (Phone: 781-788-2009)

PROJECT DESCRIPTION: COAL 04-0501. LLA to  
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off "L" Street in San Miguel. East of  
Hwy. 101. APN: 021-131-019

Return this letter with your comments attached no later than: 11/25/04

PART I IS THE ATTACHED INFORMATION ADEQUATE FOR YOU TO DO YOUR REVIEW?

☒ YES (Please go on to Part II)  
☐ NO (Call me ASAP to discuss what else you need. We have only 30 days in which we must accept the project as complete or request additional information.)

PART II ARE THERE SIGNIFICANT CONCERNS, PROBLEMS OR IMPACTS IN YOUR AREA OF REVIEW?

☒ NO (Please go on to Part III)  
☐ YES (Please describe impacts, along with recommended mitigation measures to reduce the impacts to less-than-significant levels, and attach to this letter.)

PART III INDICATE YOUR RECOMMENDATION FOR FINAL ACTION. Please attach any conditions of approval you recommend to be incorporated into the project's approval, or state reasons for recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

Recommend Approval - No Concerns

ALLEY IS A Co. MAINTAINED ROAD, ACCESS IS ADEQUATE.

THEY SHOULD SIGN AN AGREEMENT TO PARTICIPATE IN AND NOT OPPOSE AN  
ASSESSMENT DISTRICT FOR DRAINAGE IMPROVEMENTS IN THE TOWN OF SAN MIGUEL.

01 Dec 2004  
Date

GOODWIN  
Name

5252  
Phone



(EO)

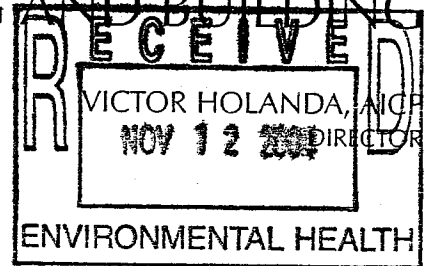
9

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

RECEIVED

DEC 13 2004

THIS IS A NEW PROJECT REFERRAL



DATE: 11/10/04  
TO: Env. Health  
FROM: North Co. Team  
(Please direct response to the above)

SMITH

SUB 2004-00167  
Project Name and Number

Development Review Section (Phone: 781- 788-2009) ( )

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approval you recommend to be incorporated into the project's approval, or state reasons for  
recommending denial. IF YOU HAVE "NO COMMENT," PLEASE INDICATE OR CALL.

No concerns at this time

Date \_\_\_\_\_ Name Lauri Salo Phone 781-5551



9

SAN LUIS OBISPO COUNTY  
DEPARTMENT OF PLANNING AND BUILDING

VICTOR HOLANDA, AICP  
DIRECTOR

**THIS IS A NEW PROJECT REFERRAL**

DATE: 11/10/04  
TO: FEL  
FROM: North Co. Team  
(Please direct response to the above)

SMITH  
SUB 2004-00167  
Project Name and Number

Development Review Section (Phone: 781- 788-2009) ( )

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Date \_\_\_\_\_ Name \_\_\_\_\_ Phone \_\_\_\_\_

RECORDING REQUESTED BY  
SAN LUIS OBISPO COUNTY

WHEN RECORDED, RETURN TO:

Director of Planning & Building  
County Government Center  
San Luis Obispo, California 93408  
ATTN: Jo S. Manson

APN(S): 021-131-019 Portion  
PROJECT/PCL NO: C04-477/2 FILE NO: SUB2004-00066

JULIE RODEWALD  
San Luis Obispo County - Clerk/Recorder

Recorded at the request of  
JE except TX & DSS

SR  
9/01/2004  
3:12 PM

DOC#: 2004077835



Titles: 1	Pages: 2
Fees	10.00
Taxes	0.00
Others	0.00
PAID	\$10.00



**CERTIFICATE OF COMPLIANCE**

California Government Code Section 66499.35 (a)

This certificate relates only to issues of compliance or noncompliance with the Subdivision Map Act and local ordinances enacted pursuant thereto. The following described single parcel of real property has been determined to be in compliance with the applicable provisions of the Subdivision Map Act and local ordinance enacted pursuant thereto. The parcel described herein may be sold, leased, or financed without further compliance with the Subdivision Map Act or any local ordinance enacted pursuant thereto. Development of the parcel may require issuance of a permit or permits, or other grant or grants of approval.

Said parcel of real property is situated in the unincorporated area of the County of San Luis Obispo, State of California, being described as follows:

*As described in Exhibit A attached to this certificate and incorporated herein as if set forth in full.*

RECORD OWNER(S):

Scott A. Smith and Jessica L. Smith, Husband and  
Wife, as Joint Tenants.

STATE OF CALIFORNIA )

COUNTY OF SAN LUIS OBISPO ) SS



(SEAL)

VICTOR HOLANDA

Director, Department of Planning and Building

By: Jo S. Manson  
Jo S. Manson, Planner II

On this 26 day of August, in the year 2004,  
before me, Mary L. Velarde, Notary Public, personally

appeared Jo S. Manson,  
personally known to me (~~or proved to me on the basis of~~  
~~satisfactory evidence~~) to be the person(s) whose name(s) are  
subscribed to the within instrument and acknowledged to me  
that, he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s) or the entity upon behalf of which the  
person(s) acted, executed the instrument.

Witness my hand and official seal.

Mary L. Velarde  
Mary L. Velarde, Notary Public

APN(S): 021-131-019 Portion  
PROJECT NO: C04-477

FILE NO: SUB2004-00066  
PARCEL NO: 2

**EXHIBIT A**  
**Legal Description**

Lot 19 in Block 55 of the Town of San Miguel, in the County of San Luis Obispo, State of California, according to map recorded April 4, 1889 in Book B, Page 53 of Maps, in the Office of the County Recorder of said County.

**RECORDING REQUESTED BY  
SAN LUIS OBISPO COUNTY**

**WHEN RECORDED, RETURN TO:**

Director of Planning & Building  
County Government Center  
San Luis Obispo, California 93408  
ATTN: Jo S. Manson

APN(S): 021-131-019 Portion  
PROJECT/PCL NO: C04-477/1 FILE NO: SUB2004-00066

**JULIE RODEW**  
San Luis Obispo County - Clerk/Recorder

Recorded at the request of  
**JE except TX & DSS**

SR  
9/01/2004  
3:12 PM

DOC#: **2004077834**



Titles: 1 Pages: 2

Fees	10.00
Taxes	0.00
Others	0.00
PAID	\$10.00



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**RECORD OWNER(S):**

Scott A. Smith and Jessica L. Smith, Husband and  
Wife, as Joint Tenants.

**STATE OF CALIFORNIA**

**COUNTY OF SAN LUIS OBISPO**



(SEAL)

**VICTOR HOLANDA**

Director, Department of Planning and Building

By: Jo S. Manson  
Jo S. Manson, Planner II

On this 26<sup>th</sup> day of August, in the year 2004,  
before me, Mary L. Velarde, Notary Public, personally

appeared Jo S. Manson,  
personally known to me (or ~~proved to me on the basis of~~  
~~satisfactory evidence~~) to be the person(s) whose name(s) is/are  
subscribed to the within instrument and acknowledged to me  
that, he/she/they executed the same in his/her/their authorized  
capacity(ies), and that by his/her/their signature(s) on the  
instrument the person(s) or the entity upon behalf of which the  
person(s) acted, executed the instrument.

Witness my hand and official seal

Mary L. Velarde  
Mary L. Velarde, Notary Public

APN(S): 021-131-019 Portion  
PROJECT NO: C04-477

FILE NO: SUB2004-00066  
PARCEL NO: 1

**EXHIBIT A**

**Legal Description**

Lot 20 in Block 55 of the Town of San Miguel, in the County of San Luis Obispo, State of California, according to map recorded April 4, 1889 in Book B, Page 53 of Maps, in the Office of the County Recorder of said County.



# Fidelity National Title Company

704 Spring Street • Paso Robles, CA 93448  
(805) 227-1440 • FAX (805) 227-1448

## PRELIMINARY REPORT

ESCROW OFFICER: Karen L. Satterfield  
TITLE OFFICER: Richard Lundbeck

ORDER NO.: 181165 - A  
Amendment  
LOAN NO.:

TO: RE/MAX Parkside Real Estate  
711 12th Street  
Paso Robles, CA 93446

ATTN: Jessica  
YOUR REFERENCE.: 181165KLS

SHORT TERM RATE: Yes

PROPERTY ADDRESS: 1520 L Street, San Miguel, California

EFFECTIVE DATE: October 5, 2004, 07:30 A.M.

The form of Policy or Policies of title insurance contemplated by this report is:

California Land Title Association Standard Coverage Policy - 1990

1. THE ESTATE OR INTEREST IN THE LAND HEREINAFTER DESCRIBED OR REFERRED TO COVERED BY THIS REPORT IS:

A Fee

2. TITLE TO SAID ESTATE OR INTEREST AT THE DATE HEREOF IS VESTED IN:

Scott A. Smith and Jessica L. Smith, husband and wife, as joint tenants

3. THE LAND REFERRED TO IN THIS REPORT IS SITUATED IN THE UN-INCORPORATED AREA, IN THE COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

SEE EXHIBIT "ONE" ATTACHED HERETO AND MADE A PART HEREOF

DR\cah 10/12/2004

**EXHIBIT "ONE"**

**PARCEL 1:**

Lot 19 in Block 55 of the Town of San Miguel, in the County of San Luis Obispo, State of California, according to map recorded April 4, 1889 in Book B, Page 53 of Maps, in the office of the County Recorder of said County, by Certificate of Compliance recorded September 1, 2004 as Instrument # 2004-077835

**PARCEL 2:**

Lot 20 in Block 55 of the Town of San Miguel, in the County of San Luis Obispo, State of California, according to map recorded April 4, 1889 in Book B, Page 53, of Maps, in the Office of the County Recorder of said County, by Certificate of Compliance recorded September 1, 2004 as Instrument # 2004-077834

Assessor's Parcel No: 021-131-019

**AT THE DATE HEREOF, ITEMS TO BE CONSIDERED AND EXCEPTIONS TO COVERAGE IN ADDITION TO THE PRINTED EXCEPTIONS AND EXCLUSIONS IN SAID POLICY FORM WOULD BE AS FOLLOWS:**

1. **Property taxes**, including any personal property taxes and any assessments collected with taxes, for the fiscal year 2004-2005, Assessor's Parcel Number 021-131-019.

Code Area Number: 021-131-019  
1st Installment: \$823.88 OPEN  
2nd Installment: \$823.88 OPEN  
Land: \$137,433.00  
Improvements: \$0.00  
Exemption: \$0.00  
Personal Property: \$0.00  
Bill No.: 021-131-019  
Tracer No.: 104-020

2. **The lien of supplemental taxes**, if any, assessed pursuant to the provisions of Chapter 3.5 (Commencing with Section 75) of the Revenue and Taxation code of the State of California.

3. **A deed of trust** to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$199,900.00  
Dated: February 3, 2004  
Trustor: Scott A. Smith and Jessica L. Smith, husband and wife, as joint tenants  
Trustee: First American Title Insurance Company  
Beneficiary: First Franklin Financial Corporation, subsidiary of National City Bank of Indiana  
Address: 2150 North First St.  
San Jose, CA 95131  
Loan No.: 0032496226/5,636  
Recorded: February 13, 2004, Instrument No. 2004-011507, of Official Records

Note: Amended Civil Code Section 2941, which becomes effective on January 1, 2002, sets the fee for the processing and recordation of the reconveyance of each Deed of Trust being paid off through this transaction at \$45.00. The reconveyance fee must be clearly set forth in the Beneficiary's Payoff Demand Statement ("Demand"). In addition, an assignment or authorized release of that fee, from the Beneficiary to the Trustee of record, must be included. An example of the required language is as follows:

"The Beneficiary identified above hereby assigns, releases or transfers to the Trustee of record, the sum of \$45.00, included herein as 'Reconveyance Fees', for the processing and recordation of the Reconveyance of the Deed of Trust securing the indebtedness covered hereby, and the escrow company or title company processing this pay-off is authorized to deduct the Reconveyance Fee from this Demand and forward said fee to the Trustee of record or the successor Trustee under the Trust Deed to be paid off in full."

In the event that the reconveyance fee and the assignment, release or transfer thereof are not included within the demand statement, then Fidelity National Title Insurance Company and its Underwritten Agent may decline to process the reconveyance and will be forced to return all documentation directly to the Beneficiary for compliance with the requirements of the revised statute.

4. A deed of trust to secure an indebtedness in the amount shown below, and any other obligations secured thereby

Amount: \$49,950.00  
 Dated: February 3, 2004  
 Trustor: Scott A. Smith and Jessica L. Smith, husband and wife, as joint tenants  
 Trustee: First American Title Insurance Company  
 Beneficiary: First Franklin Financial Corporation, subsidiary of National City Bank of Indiana  
 Address: 2150 North First St.  
 San Jose, CA 95131  
 Loan No.: 0032496234/5,521  
 Recorded: February 13, 2004, Instrument No. 2004-011508, of Official Records

Note: Amended Civil Code Section 2941, which becomes effective on January 1, 2002, sets the fee for the processing and recordation of the reconveyance of each Deed of Trust being paid off through this transaction at \$45.00. The reconveyance fee must be clearly set forth in the Beneficiary's Payoff Demand Statement ("Demand"). In addition, an assignment or authorized release of that fee, from the Beneficiary to the Trustee of record, must be included. An example of the required language is as follows:

"The Beneficiary identified above hereby assigns, releases or transfers to the Trustee of record, the sum of \$45.00, included herein as 'Reconveyance Fees', for the processing and recordation of the Reconveyance of the Deed of Trust securing the indebtedness covered hereby, and the escrow company or title company processing this pay-off is authorized to deduct the Reconveyance Fee from this Demand and forward said fee to the Trustee of record or the successor Trustee under the Trust Deed to be paid off in full."

In the event that the reconveyance fee and the assignment, release or transfer thereof are not included within the demand statement, then Fidelity National Title Insurance Company and its Underwritten Agent may decline to process the reconveyance and will be forced to return all documentation directly to the Beneficiary for compliance with the requirements of the revised statute.

5. We find various Liens and Judgments, that are of record against persons with similar or the same name as that of our vestee(s) shown herein. In order to complete this report, this Company requires a **Statement of Information** to be provided for the following vestee(s), which may allow and assist elimination of some or all of said Liens and Judgments. After review of the requested Statement(s) of Information, the Company reserves the right to add additional items or make further requirements prior to the issuance of any Policy of Title Insurance.

Vestee(s): Scott A. Smith

### END OF ITEMS

- Note 1. The charge for a policy of title insurance, when issued through this title order, will be based on the Short Term Rate.

- Note 2. NOTE: The ALTA Homeowner's Policy of Title Insurance (10-17-98) contains specific deductible amounts and specific liability maximums for Covered Risk numbers 14, 15, 16 and 18 of said policy that have been filed and approved by the various Departments of Insurance where the forms have been filed. Please consult your escrow or title officer if you have questions regarding the policy.

- Note 3.** The Note shown below, which recites: "California Revenue and Taxation Code Section 18668, effective January 1, 1991, requires that the buyer in all sales of California Real Estate, wherein the seller shows an out of State Address, withhold 3-1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law as therein contained,"

is hereby deleted and replaced with the following:

California Revenue and Taxation Code Section 18662, effective January 1, 1994 and by amendment effective January 1, 2003, provides that the buyer in all sales of California Real Estate may be required to withhold 3 and 1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law as therein contained.

- Note 4.** Section 12413.1, California Insurance Code became effective January 1, 1990. This legislation deals with the disbursement of funds deposited with any title entity acting in an escrow or subescrow capacity. The law requires that all funds be deposited and collected by the title entity's escrow and/or subescrow account prior to disbursement of any funds. Some methods of funding may subject funds to a holding period which must expire before any funds may be disbursed. In order to avoid any such delays, all fundings should be done through wire transfer, certified check or checks drawn on California financial institutions.
- Note 5.** The charge where an order is cancelled after the issuance of the report of title, will be that amount which in the opinion of the Company is proper compensation for the services rendered or the purpose for which the report is used, but in no event shall said charge be less than the minimum amount required under Section 12404.1 of the Insurance Code of the State of California. If the report cannot be cancelled "no fee" pursuant to the provisions of said Insurance Code, then the minimum cancellation fee shall be that permitted by law.
- Note 6.** California Revenue and Taxation Code Section 18662, effective January 1, 1994 and by amendment effective January 1, 2003, provides that the buyer in all sales of California Real Estate may be required to withhold 3 and 1/3% of the total sales price as California State Income Tax, subject to the various provisions of the law as therein contained.

